

MAR 23 2007

Application No.: 09/144,635

Docket No.: 00-VE14.10

REMARKS

Claims 1-61 are pending. Claims 1, 18, 27, 37, 38, 41, 46, 48, 53, 54, 56, and 59 are independent claims. Claims 1, 18, and 27 are amended herein. It is believed that the foregoing claim amendments do not in any way change the scope of the claims.

In the Office Action, claims 1-60 were rejected. Claims 1, 5-7, 10-13, 17, 18, 20, 22-27, 33-35, 46, 59, and 60 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by United States Patent No. 6,314,102 ("Czerwec"). Claims 2-4, 8, 9, 19, 21, 28, 29, and 30 7-40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Czerwec in view of allegedly admitted prior art. Claims 14 and 53 were rejected under Section 103 as allegedly unpatentable over Czerwec in view of United States Patent No. 6,083,280 ("Eitel"). Claims 15, 16, 54, and 55 were rejected under Section 103 as allegedly unpatentable over Czerwec in view of United States Patent No. 6,760,766. ("Sahlqvist"). Claims 30-32 were rejected under Section 103 as allegedly unpatentable over Czerwec in view of allegedly invented prior art and further in view of United States Patent No. 4,143,242 ("Horiki"). Claims 36, 41-45, 47, 48, and 56-58 were rejected under Section 103 as allegedly unpatentable over Czerwec in view of Horiki. Claims 49-52 were rejected under Section 103 as allegedly unpatentable over Czerwec in view of United States Patent No. 6,163,599 ("McHale"). The Office Action did not address claim 61, which is therefore presumed to be in condition for allowance.

For the following reasons, the rejections of all pending claims should be withdrawn. Further, while this paper completely addresses the pending rejections, Applicants reserve the right to set forth other reasons for supporting the patentability of their claims, including reasons of supporting the separate patentability of dependent claims not explicitly addressed herein, in future papers.

Argument

Czerwec does not teach or suggest a "monitor," as is recited by each of Applicant's independent claims. For example, independent claim 1 recites, among other elements, "detecting, via a monitor, that the requesting step does not seek conversion in said line unit." The examiner asserted that the recited monitor is anticipated by Czerwec based on the Examiner's allegation that "junction 66 in Fig. 2 decides whether the request is passed to low

Application No.: 09/144,635

Docket No.: 00-VE14.10

pass filter 40 or high pass filter 38.” (Office Action, page 2.) In fact, Czerwiec clearly states that

The ATM switch 48 provides ATM formatted data on a line 58 to a network termination (NT) card 60 which is, in turn, connected to a plurality of ADSL-line termination (LT) cards such as the card 62 which includes the highpass filter 38 for providing the ADSL signal on a line 64 to a junction node 66 for combination with the normal telephony signals provided by the lowpass filter 40. The node 66 thus forms a means for frequency division multiplexing, i.e., joining the POTS service on the line 50 at a low frequency with the high bandwidth services provided on the line 58 and converted to ADSL by the LT 62 at a higher frequency for passing through the filter 38 and on to the line 64 for combination with the telephony service at the node 66 of the twisted copper pair 36.

(Czerwiec, 11: 15-29; emphasis added.) In other words, Czerwiec’s junction node 66 is not a monitoring or decision point of any kind, but rather is a point at which signals from a low pass filter are combined with signals from a high pass filter. A junction node is plainly not a monitor, and therefore Czerwiec does not anticipate Applicants’ claims.

As Applicants have noted in previous papers, Czerwiec discloses at most an Asymmetric Digital Subscriber Line (ASDL) shelf 34 that includes high pass filter 38, a low pass filter 40, a network termination (NT) card 60, and a line termination (LT) card 62. (E.g., Czerwiec, Figure 2.) However, Czerwiec does not teach or suggest a monitor integrated with a line unit/card. (See Applicants’ Specification, Figure 3, especially elements 21 and 22; page 15, line 20 – page 19, line 3.) In particular, Czerwiec’s junction node 66 does not in any way teach or suggest the “monitor” recited in Applicant’s claims.

Czerwiec is the primary reference used in the rejection of all pending claims. Therefore, for at least the foregoing reasons, all pending claims are allowable over the cited prior art. Accordingly, the Examiner is respectfully urged to withdraw the pending rejections of all claims.

Application No.: 09/144,635

Docket No.: 00-VE14.10

RECEIVED
CENTRAL FAX CENTER

MAR 23 2007

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0140. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Dated: March 23, 2007

Respectfully submitted,

By 

Charles A. Bieneman

Registration No.: 51,472

Glenn E. Forbis

Registration No.: 40,610

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 25537

Attorneys for Applicant